



RECEIVED

SEP 26 2002

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joseph R. BYRUM *et al.*

Appln. No.: 09/521,640

Filed: March 10, 2000

Title: **Nucleic Acid Molecules and Other
Molecules Associated with Plants**

Art Unit: 1631

Examiner: Michael L. BORIN

Atty. Docket: 16517.128/38-21(15750)D

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Commissioner for Patents
Washington, DC 20231

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated June 24, 2002, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fees for this filing is given in the accompanying transmittal letter. A duplicate copy of this letter is enclosed.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)
Holly Logue Prutz (Reg. No. 47,755)

Date: September 23, 2002

MONSANTO COMPANY
800 N. Lindbergh Boulevard
Mailzone N2NB
St. Louis, Missouri 63167
(314) 694-3602 telephone
(314) 694-1671 facsimile



ARNOLD & PORTER

September 23, 2002

David R. Marsh, Ph.D.
David_Marsh@aporter.com

202.942.5068
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

AF/1\$
1600
#14
BP
9-26-02

Commissioner for Patents
Washington, D.C. 20231

RECEIVED

SEP 26 2002

TECH CENTER 1600/2900

Re: U.S. Patent Application No. 09/521,640

Filed: March 10, 2000

Title: **Nucleic Acid Molecules and Other Molecules Associated with Plants**

Inventors: Joseph R. BYRUM *et al.*

Atty. Docket: 16517.128/38-21(15750)D

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (USPTO):

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (in duplicate); and
2. Return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

Applicants request that the fee of \$320.00 for filing a Notice of Appeal be charged to Deposit Account No. 50-2387, referencing matter number 16517.128.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387, referencing matter number 16517.128. A duplicate copy of this letter is enclosed.

09/24/2002 RHARIS1 00000116 502387 09521640

01 FC:119 320.00 CH

Respectfully submitted,

David R. Marsh (Reg. Attorney No. 41,408)

Attachments